

LAW OFFICE OF
MARC FERNICH

MARC FERNICH maf@fernichlaw.com
ALSO ADMITTED IN MASSACHUSETTS

810 SEVENTH AVENUE, SUITE 620
NEW YORK, NEW YORK 10019
212-446-2346
FAX: 212-459-2299
www.fernichlaw.com

Oct. 15, 2019

BY ECF

Hon. Kiyo A. Matsumoto
USDJ-EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *U.S. v. Jonathan Braun*, 10 CR 433 (EDNY) (KAM)

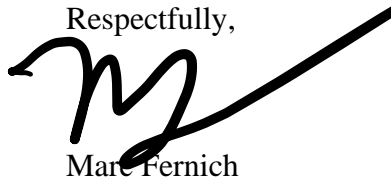
Dear Judge Matsumoto:

I write to respectfully ask that the Court extend Mr. Braun's Oct. 28 surrender date pending (1) determination of his 28 U.S.C. § 2255 motion to vacate his 10-year sentence due to ineffective assistance of counsel and (2) any resentencing that might ensue. The government, by AUSA Craig Heeren, takes no position as to this application.

The pending motion to vacate is a substantial one, backed by detailed sworn statements from Mr. Braun and his two sentencing attorneys and supported by weighty legal authority. There thus appears a significant likelihood Mr. Braun will prevail and receive a considerably reduced sentence. Meanwhile, Mr. Braun has scrupulously complied with his stringent release conditions – including 24-hour home detention secured by electronic monitoring – throughout the nearly five-month interval since his original sentencing May 28, fully obeying them without incident or infraction. In these circumstances, and with no opposition from the government, extending the surrender date until the cloud over Mr. Braun's sentence dissipates would cause no prejudice and serve the interest of justice.

We thank Your Honor for considering this request.

Respectfully,



Marc Fernich

cc: All counsel (CF)